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Atty Docket No. 019916-004100US

PTO FAX NO.: (703) 872-9306

ATTENTION: Examiner SMITH, ZANDRA V.

Group Art Unit 2977

**OFFICIAL COMMUNICATION  
FOR THE PERSONAL ATTENTION OF  
EXAMINER SMITH, ZANDRA V.**

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following documents in re Application of STEPHEN A. EMPEDOCLES et al., Application No. 09/827,256, filed April 5, 2001 for SPATIAL POSITIONING OF SPECTRALLY LABELED BEADS are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Documents Attached

1. Transmittal Form
2. Amendment

Number of pages being transmitted, including this page: 12

Dated: February 16, 2005

Elizabeth Nesbitt  
Elizabeth Nesbitt

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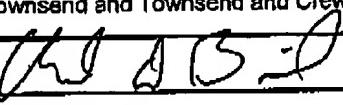
TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, CA 94111-3834  
Telephone: 650-326-2400  
Fax: 650-326-2422

60423266 v1

<b>TRANSMITTAL FORM</b>		Application Number	09/827,256
		Filing Date	April 5, 2001
		First Named Inventor	WATSON, ANDREW R.
		Art Unit	2977
		Examiner Name	SMITH, ZANDRA V.
(to be used for all correspondence after initial filing)		Attorney Docket Number	019916-004100US
Total Number of Pages in This Submission	11		

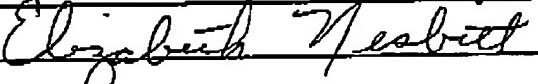
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<input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Proprietary Information
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<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.	

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Mark D. Barrish		
Date	February 16, 2005	Reg. No.	36,443

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By: Elizabeth Nesbitt  
 Elizabeth Nesbitt

PATENT

Attorney Docket No.: 019916-004100U\$  
 Client Ref. No.: 0010C-US

Customer No. 20350

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

STEPHEN A. EMPEDOCLES et al.

Application No.: 09/827,256

Filed: April 5, 2001

For: SPATIAL POSITIONING OF  
 SPECTRALLY LABELED BEADS

Confirmation No. 4344

Examiner: SMITH, Zandra V.

T.C./Art Unit: 2876

**AMENDMENT**

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed November 16, 2004, please enter the following amendments and remarks:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.